

REMARKS

Applicants have carefully reviewed the above identified application in light of the Office Action dated August 27, 2004. Claims 4-8, 11-14 and 16 remain presented for examination. Claims 5, 7, 8, and 11-14 have been amended to define more clearly what Applicant regards as his invention, in terms which distinguish over the art of record, and in particular to overcome the formal rejection.

Claims 5, 11 and 12 are the only independent claims.

Claims 4-8, 11-14 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Applicant has attempted to amend the claim language to properly identify those elements contained in the microcontact structure. With respect to claim 5 the “reducing means” was described with respect to the microcontact structure “being capable of being reduced”. Similarly, the “releasing means” was described with respect to the microcontact structure “being capable of being restored”. This language was chosen to include aspects of the invention described in various embodiments wherein the reducing means includes both elements of the microcontact structure and external actions. External actions such as rolling and folding are described in the specification, inter alia, in the paragraphs commencing at page 3, line 28 (as amended on October 21, 2002). The specification (e.g., paragraphs commencing at page 5, line 15) also describes the use of ice and heat to be used to effect the reducing and restoring functions wherein the means for achieving these functions lies in the use of an external action in combination with a property or feature of the microcontact structure. The current claim language is meant to include either of these situations, that is, to address situations where the reducing means

and the releasing means are not necessarily a part of the microcontact structure – but in any event, the structure is designed to accommodate these activities.

The shape modifying means is a property of the microcontact structure that is initiated or triggered by an external action. By way of example, one embodiment of the invention is responsive to exposure to infrared and ultraviolet (as described in the specification at page 6, line 29 through page 7). It should be noted that the shape modifying means is distinguishable from the reducing and releasing means described above. The shape modifying means is used to achieve a secure mechanical or electrical connection with an implantation cite as illustrated in Figs. 3, 4a-c, described in corresponding sections of the specification, and specifically claimed in claims 11 and 12.

Claims 7, 11 and 12 have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in the Office Action.

It is believed that the rejection under Section 112, second paragraph, of all pending claims has been obviated, and its withdrawal is therefore respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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